

REMARKS

Claims 12, 14-21, and 44-50 are pending in the Application. Claim 12 has been amended. Claims 44-50 are new.

Claim Rejections – 35 USC § 112

The Patent Office rejected Claims 12 and 14-21 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Patent Office stated it is not clear how “at least one function” can include “editing, storing, loading, and displaying.” Claim 12 has been amended and Claims 12 and 14-21 are believed enabled.

The Patent Office rejected Claims 12 and 14-21 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Patent Office stated Applicant has shown no evidence that Applicant originally had possession of “at least one function” can include “editing, storing, loading, and displaying.” Claim 12 has been amended and Claims 12 and 14-21 are believed compliant with the written description requirement.

The Patent Office rejected Claims 12 and 14-21 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Patent Office stated it is not clear what Applicant intends by having “at least one function includes editing, storing, loading, and displaying.” Claim 12 has been amended and Claims 12 and 14-21 are believed distinct.

Claim Rejections – 35 USC § 103

The Patent Office rejected Claims 12, 17-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,623,499 by Ko et al., ("Ko") in view of “output” by Microsoft Computer Dictionary (MSCD).

The Patent Office rejected claim 14 under 35 U.S.C. § 103(a) as being

unpatentable over Ko in view of U.S. Publication 20030093608 by Jaramillo et al., ("Jaramillo").

The Patent Office rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of U.S. Patent No. 6,675,244 by Elliot et al., ("Elliot").

The Patent Office rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of "block size" by MSCD.

The Patent Office rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of U.S. Patent No. 6,546,507 by Coyle et al., ("Coyle").

Applicant respectfully traverses the rejections of claims 12 and 14-21. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Emphasis added. Additionally, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Applicant respectfully submits Claim 12 recites elements which have not been disclosed, taught or suggested by Ko. For example, Claim 12 recites:

creating a first state;

creating a second state;

applying a layer of abstraction to multiple parameters;

building a state machine from the first and second states, the state machine being capable of executing at least one function, the at least one function being implemented in code common to the multiple parameters and specific to the at least one function, wherein the at least one function includes at least one selected from the group consisting of editing, storing, loading, and displaying; and

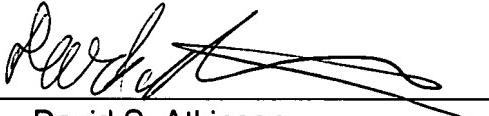
performing one selected from the group comprising testing, validating, and simulating a device under test.

Ko fails to disclose, teach or suggest the above limitations. MSCD, Jaramillo, Elliot and Coyle fail to cure the defects of Ko. Ko discloses generation of a conformance test data sequence of minimal length to verify that a device conforms to a protocol entity. The present invention applies a layer of abstraction to parameters and then implements functions with code common to the parameters but specific to the functions. In this way, developers may transparently implement new parameters without knowledge of the details of how the functions are implemented. Ko is not concerned with transparently implement new parameters without requiring knowledge of the details of how functions are implemented and does not disclose the above limitations. Consequently, Claim 12 should be allowed. Claims 14-21 and 44-50 should be allowed due to their dependence upon an allowable base claim.

CONCLUSION

The application is respectfully submitted to be in condition for allowance.
Accordingly, notification to that effect is earnestly solicited.

Respectfully submitted,
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